

**MEGHALAYA INFORMATION COMMISSION, SHILLONG**

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**No. MIC/Complaint/103/2009/45,**

Shri Mathias N. Marak, Lower Hawakhana, Tura - Complainant

-Vrs-

The P.I.O., G.H.A.D.C., Tura (Land & Revenue) - Respondent

**ORDER**

**15-12-2009:** The Respondent-PIO, Shri Azranath Momin is present in the Commission today. The complainant however remains absent.

The Respondent-PIO filed an affidavit along with the show cause in response to this Commission's Order dated 27-11-2009.

The complainant in this case is Shri Mathias N. Marak of Tura.

The case of the complainant is that he filed an R.T.I. application before the Respondent-PIO on 11-8-2009 seeking certain information relating to Land & Revenue of the Garo Hills Autonomous District Council. Failing to receive any response from the Respondent-PIO on expiry of the statutory period of 30 days on 11-9-2009, he had preferred the instant complaint before the Commission on 19-10-2009.

The Commission vide Order dated 2-11-2009 had asked the Respondent-PIO to show cause why the information should not be furnished to the complainant as requested by him and why penalty according to Law should not be imposed upon him w.e.f. 12-9-2009.

The Respondent-PIO vide letter dated 5-10-2009 addressed to the complainant appears to have communicated furnishing of the information to the complainant. Copy of the above letter was received in the Commission on 19-11-2009. The Commission vide Order dated 27-11-2009 had asked the Respondent-PIO to file an affidavit testifying before it that the relevant information have been furnished along with a copy of the

information as exhibits. He was also given another chance to show cause why penalty should not be imposed upon him according to Law.

On affidavit filed before the Commission on 15-12-2009, the Respondent-PIO clearly stated that he had made ready a letter No.GDC-GENL/RTI/GC/126/07/50 dated 05-10-2009 containing the relevant information of 26 pages addressed to the complainant. However, he could not send it as the complainant did not pay the requisite fees for the copies amounting to Rs.52/- and the information could not be delivered to him. He further submitted that certain delay had arisen on account of the fact that he did not hold the information with him but it has to be collected from the officers in-charge of other Branches of the Council and they have taken time to submit the material for information to him. He produced evidence before the Commission that on 25-5-2009 the Additional Secretary to the Executive Committee, G.H.A.D.C., had informed him that except for the Forest Branch of the Council all other Branches dealing with Land & Revenue matters have not furnished the information.

The complainant vide letter dated 10-12-2009 had also submitted that the claim made by the Respondent-P.I.O. that the information had been furnished to him is false.

Having inquired into the matter, the Commission made the following observations and decisions:

- (1) The Respondent-PIO did make ready the information for delivery to the complainant on 5-10-2009 on which date he had signed a letter addressed to the complainant. There was a delay of 24 days from 12-9-2009 to 04-10-2009. The reason given by the Respondent-PIO for the delay is that the information is not readily available with him. He did not hold the information. He had to call for the materials from all the Branch Officers of the Council viz., Land Records Branch, Bakijai Branch, Judicial Branch, Transportation Branch, R.R. Branch, Rural Administration Branch, Legislative Branch, Accounts Branch, Forest Branch. The Officers In-charge of the concerned Branches of the

Council could not provide the material for information in time. He had therefore to wait for the information to be provided by them. He therefore contended that there is no willful delay on his part to furnish the information. The P.I.O. admitted that he does not have copy of the R.T.I. Act and, therefore, he could not taken recourse to the provision of Section 5(5) of the R.T.I. Act to deem such officers as P.I.O.s whose assistance he sought to provide information but failed to do so, resulting to violation of the Law.

- (2) The Respondent-PIO appears to be expecting that the complainant should come and pay the amount of fees first and then to collect the information containing 26 pages. He did not realize that under the provision of Section 7(6) of the R.T.I. Act he has to provide the information free of charge to the complainant since he had failed to furnish the information within the statutory period of 30 days. It appears that the public authority of G.H.A.D.C., has not done justice to its officer by not providing him with necessary copy of the Law after designating him as such P.I.O.

It therefore appears before the Commission that there is some sort of a system failure on the part of the public authority of the G.H.A.D.C., in implementing the Right to Information Act.

In view of the above, the Commission decided as follows:

- (1) The public authority of the G.H.A.D.C., shall take step to designate sufficient number of P.I.O.s for major Branches of the Council so that the problem of collection of information and delay in furnishing information be avoided.
- (2) The Council has to made arrangements for imparting necessary training to the functionaries under the R.T.I. Act on its own or in consultation with the Deputy Commissioner of the District of West Garo Hills.

- (3) The functionaries designated by the Council under the Law should be provided with copy of the R.T.I. Act so that they can function effectively.
- (4) The Respondent-PIO viz., Shri Azranath Momin should immediately, not later than 7(seven) days, furnish the information to the complainant free of cost through Special Messenger on his given address, with intimation to this Commission.
- (5) Considering the facts and circumstances of the case, the Commission does not hold the Respondent-PIO liability for penalty. He is, however, cautioned against repetition of such lapses in future.

Since the information on both the cases are being furnished at one go by the Respondent-PIO to the complainant, the same Order will also be applicable in Case No. MIC/COMPLAINT/99/2009.

Cases disposed of.

( **G.P.Wahlang** )  
C.I.C.

**Memo. No. MIC/Complaint/103/2009/45-A Dated Shillong, the 15<sup>th</sup> December, 2009**

Copy forwarded to:-

- (1) The Secretary, Garo Hills Autonomous District Council, Tura.
- (2) The P.I.O., Garo Hills Autonomous District Council, Tura (Land & Revenue) for necessary action.
- (3) Shri Mathias N. Marak, Lower Hawakhana, Tura – 794001.

( **S.F.Khongwir** )  
Secretary,  
Meghalaya Information Commission,  
Shillong.